

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JAIPUR BENCH, JAIPUR

**JUDGMENT**

SB CIVIL MISC. APPEAL NO.1453/2005

Jagdish

V/s

Shri Raj Singh Tanwar & Ors.

Date of order : : 26.10.2006

**HON'BLE MR. JUSTICE P.S. ASOPA**

Mr.K.N. Tiwari, for the appellant.

This is an appeal on behalf of the injured appellant for enhancement of compensation against the award dated 10.2.2005 in MAC case No.606/2004 passed by the MACT cum Additional District Judge, (Fast Track) No.3, Jaipur District, Jaipur.

The facts, in brief, of the case are that on 15.2.1999 at about 2 pm, the appellant was coming back from selling the vegetables in his Tractor and he was at Sheel Ki Doongri then truck No.RJ-19-G7143 dashed the Tractor. As a result of which, the appellant sustained injuries.

The submission of counsel for the appellant is that 8.7% disability certificate granted by the Doctor and further relief by the Tribunal is not correct. As a matter of fact, the injured appellant has suffered more disability, on account of which he

is having difficulty in walking.

I have gone through the award of the Claims Tribunal and further considered the submission of counsel for the appellant.

The Claims Tribunal has taken into consideration 8 injuries, out of which 6 are of simple nature and other two are fracture of superior and inferior Pubic Remi right leg and Radius Bone of hand. The Claims Tribunal has awarded Rs.13,000/- for physical pain and mental agony, Rs.28,000/- for loss of earning and further awarded Rs.8400/- on other heads. Thus, in all Rs.49,400/- has been awarded. As regard submission of counsel for the appellant regarding disability, it is suffice to say that the said certificate was produced by himself and there is no other evidence which aggravate the said disability more than 8.7%.

In my opinion, the Claims Tribunal has rightly assessed the amount and there is no error in the award.

The appeal fails and is dismissed.

(P.S. ASOPA) J.

ummed/-